

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FRANCISCO JAVIER CARRILLO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C22-0990-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Petitioner's 28 U.S.C. § 2255 Motion (Dkt. No. 1). Applications for a writ of habeas corpus must be signed under penalty of perjury or by a person authorized to sign it for the movant. Rule 2(b)(5) of the Rules Governing Section 2255 Proceedings for the United States District Courts. Here, Petitioner has not signed the motion at all. Therefore, before the Court addresses the merits of the motion, the petitioner is given twenty-one (21) days from the date this order is posted to refile the § 2255 motion in compliance with the rules. If Petitioner does not satisfy this requirement, the Court may summarily dismiss the motion as defective. *See McFarland v. Scott*, 512 U.S. 849, 856 (1994) ("Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face."); *Kafo v. United States*, 467 F.3d 1063, 1065–67 (7th Cir. 2006) (affirming the approach

1 of dismissing a § 2255 motion as “insufficient because it was not submitted under oath,” but only  
2 after giving petitioner “an opportunity to file such a verified pleading”).

3 It is thus ORDERED that within 21 days of this order, Plaintiff must refile his § 2255  
4 motion signed under penalty of perjury.

5 DATED this 3rd day of March 2023.

6 Ravi Subramanian  
Clerk of Court

7 s/Samantha Spraker  
8 Deputy Clerk  
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